



AMENDMENT TRANSMITTAL LETTER				CLIENT-MATTER NO.: 66765-110 (P-UW 4979)	
SERIAL NO: 09/972,834	FILING DATE: 10/4/2001	EXAMINER: J. Fredman	GROUP ART UNIT: 1637 CONFIRMATION NO.: 544		
INVENTION: THERMOSTABLE POLYMERASES HAVING ALTERED FIDELITY AND METHODS OF IDENTIFYING AND USING SAME					

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TO: COMMISSIONER FOR PATENTS
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I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

CHRISTINE M. GRACE
(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)
Christine M. Grace
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

Transmitted herewith is a Response to the Communication mailed January 13, 2003, in the above-identified application.

- Small Entity status of this application has been established under 37 CFR 1.27.
- Petition for Three-Month Extension of Time is enclosed (in duplicate).
- Terminal Disclaimer with fee under 37 C.F.R. 1.20(d) is enclosed.
- No additional claims fee is required.
- An additional claims fee is required and has been calculated as shown below:

CLAIMS AS AMENDED

	NUMBER AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXTRA CLAIMS PRESENTED	RATE		FEE	
					SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
TOTAL CLAIMS	45	-	45	-	0	x \$9	\$18	= \$ 0.00
INDEPENDENT CLAIMS	4	-	4	-	0	x \$42	\$84	= \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM	<u>YES</u>		<u>XX</u> <u>NO</u>		\$140	\$280	= \$	\$ 0.00
					TOTAL ADDITIONAL FEE		\$	\$ 0.00

- * If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.
- ** If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.
- *** If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 0, write "0" in the space.

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- Please charge my Deposit Account No. 502624 the amount of \$930.00, which covers the fee for a three-month extension of time. A duplicate copy of this sheet is enclosed.
- The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 502624. A duplicate copy of this sheet is enclosed.
- The Commissioner is hereby authorized to charge to Deposit Account No. 502624 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Deborah L. Cadena
Registration No. 44,048
McDERMOTT, WILL & EMERY
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122
858-535-9001



PATENT

Client-Matter No.: 66765-110 (P-UW 4979)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re Application of
Loeb et al.

Serial No: 09/972,834

Filed: October 4, 2001

For: THERMOSTABLE POLYMERASES
HAVING ALTERED FIDELITY AND
METHODS OF IDENTIFYING AND
USING SAMECommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

) Confirmation No.: 5445
) Group Art Unit: 1637
) Examiner: J. Fredman
)
) CERTIFICATE OF MAILING BY "EXPRESS MAIL"
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RESPONSE TO COMMUNICATION

Responsive to the Communication mailed January 13, 2003, consideration of the following remarks is respectfully requested.

The Communication indicates that the previously filed response to the outstanding Restriction Requirement was not fully responsive because no species election was made. It was pointed out in the previous response filed December 4, 2002, that new claims 51-95 recite polymerase mutants issued in parent application serial No. 08/978,806, now U.S. Patent No. 6,395,524. In light of the previous allowance of the polymerase mutants recited in the presently claimed compositions, it is respectfully submitted that examination of the currently elected species as well as additional species would not be an undue burden on the Examiner.

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Applicants elect the polymerase species Arg660Lys. The claims readable on the elected species are claims 51-58 and 67.

It is respectfully submitted that the response filed herewith complies with the requirement set forth in the Communication mailed January 13, 2003, and is fully responsive to the species election requirement. The Examiner is invited to call the undersigned agent or Cathryn Campbell if there are any questions.

Respectfully submitted,

May 13, 2003
Date


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